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GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			EXAMINER ORR, HENRY W	
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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSE MADEIRA DE FREITAS GARCIA, JOHN GIRAUD
FORD III, JAY ALLAN BEHR, CHAFFEE KHANH-TRUONG VO-VU,
STEPHEN JOSEPH MIGHETTO, and KAREN ELAINE MASON

Appeal 2009-005575
Application 10/800,585
Technology Center 2100

Before LANCE LEONARD BARRY, ST. JOHN COURTENAY III, and
CAROLYN D. THOMAS, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-33. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The Appellants describe the invention at issue on appeal as follows.

A Sheet Set Manager for a computer-implemented graphics program allows drawings to be organized logically as a Sheet Set comprising a collection of Sheets and Subsets of Sheets, wherein each Sheet comprises a drawing, layout or view. The Sheet Set Manager is a graphical user interface for displaying, accessing[,] and managing the Sheet Sets, Subsets and Sheets, as well as editing components of the Sheet Sets, Subsets[,] and Sheets.

(Abstract.)

ILLUSTRATIVE CLAIM

1. A method for operating a graphics program in a computer, comprising:

performing one or more functions of a Sheet Set Manager in the graphics program,

(a) wherein the Sheet Set Manager manages a [sic] one or more Sheet Sets, each of the Sheet Sets comprises a collection of zero or more Sheets and Subsets of the Sheets, each of the Sheets comprises a drawing, layout or view and the Sheet Set Manager manages one or more different views for the Sheets; and

(b) wherein the function comprises an Automatic View Creation, such that the Sheet Set Manager presents a user with a list of the views defined in the Sheet Set and the user places a view from the list onto a Sheet to invoke the Automatic View Creation.

REJECTIONS

Claims 1-3, 12-14, and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,466,953 A1 ("Bonney") and U.S. Patent Application Pub. No. 2004/0177089 A1 ("Love").

Claims 4, 15, and 26 stand rejected under § 103(a) as being unpatentable over Bonney, Love, and U.S. Patent Application Pub. No. 2003/0031380 A1 ("Song").

Claims 5-11, 16-22, and 27-33 stand rejected under § 103(a) as being unpatentable over Bonney, Love, and U.S. Patent Application Pub. No. 2003/0043177 A1 ("Kawai").

ISSUE

The *issue* before us is whether the Examiner erred in finding that Love presents a user with a list of views defined in a Sheet Set, and the user places a view from the list onto a Sheet to invoke an Automatic View Creation, as required by independent claims 1, 12, and 23.

FINDING OF FACT

Love describes its invention as follows.

A CAD drawing is selected for retrieval from a database of drawings by producing a CAD source drawing having a source view, coding the source view to produce a source code . . . comparing the source code with stored view codes, calculating

a similarity index for each stored view code and selecting the drawing for retrieval from the database on the basis of the similarity index.

(Abstract, ll. 8-14.)

ANALYSIS

"Claims must be read in view of the specification, of which they are a part." *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc) (citations omitted). Here, independent claims 1, 12, and 23 recite in pertinent part "the Sheet Set Manager presents a user with a list of the views defined in the Sheet Set and the user places a view from the list onto a Sheet to invoke the Automatic View Creation."

The Specification includes the following disclosure.

The Sheet Set Manager provides a function for Automatic View Creation. The Sheet Set Manager presents users with a list of the Views defined in the Sheet Set. Placing a View onto a Sheet is a simple drag-and-drop operation. This simple user interaction performs the following actions:

- Create an external reference . . . if necessary, to the File . . . containing the View.
- Create the Viewport in the paper space displaying the precise geometric region defined in the View.
- Manage the layer states in the new Viewport to ensure that the correct information is presented.
- Create a named View, and place it in the tree displayed in the Sheet Set Manager.

- Place a label block into the Sheet, with fields to display the appropriate label information for that View, which will update automatically if their values change.
- In addition to automatically placing a View onto a Sheet, the automatic view creation function also gives the user the opportunity to adjust the scale of the View during the operation itself.

(Spec. 12-13.)

Reading the independent claims in view of the Specification, we construe the claimed "user places a view from the list on a Sheet to invoke the Automatic View Creation" as requiring a drag-and-drop operation.

The question of obviousness is "based on underlying factual determinations including . . . what th[e] prior art teaches explicitly and inherently" *In re Zurko*, 258 F.3d 1379, 1383 (Fed. Cir. 2001) (citations omitted).

Here, the Examiner makes the following findings.

[The] Examiner notes that Appellants["] specification recites "In addition to automatically placing a View onto a Sheet, the automatic view creation function also gives the user the opportunity to adjust the scale of the View during operation itself" (see spec par. 105). Based on this cited portion of the specification, [the] Examiner interprets a view creation to be at least capable of automatically placing a View onto a Sheet. In comparison, Love teaches selecting a view and displaying a drawing containing the selected view (see par. 58). Therefore, [the] Examiner interprets selecting a view and displaying a drawing containing the selected view as taught by Love to anticipate a "view creation" as recited in the claims because the selected view is automatically placed onto a drawing in response to the user selection of the view.

Thus, Love does teach or suggest presenting a user with a

list of the views, where the user places a view from the list onto a sheet to invoke automatic view creation.

(Ans. 15.)

For its part, Love includes the following teachings.

In designing new products, the designer or engineer can help to reduce costs by being able to retrieve drawings of existing components from a database of drawings in a Computer Aided Design (CAD) system. This can help to prevent unnecessary duplication of component designs or save time by adapting designs of existing components. The effectiveness of a retrieval system depends on its ability to search a large number of drawings of components so as to identify a drawing or drawings of one or more similar components.

(¶ 0002.)

Another problem arises when a drawing comprises more than one view. For example, an engineering drawing of a component may include separate views of different elevations, sectional views or views showing parts of the component in greater detail. Identification of separate views in a drawing represented by a bit-map is difficult because bit-map systems rely on pattern recognition.

(¶ 0007.)

The system allows the designer to enter a drawing or sketch of a required component. The system performs a comparison of the view code for the sketch with the view codes of one or more drawings in the database and determines a similarity index for each view compared. The user can then select the most similar view, or another view from a list of views in order of similarity and display the drawing containing the selected view.

(¶ 0058.)

We agree, however, with the Appellants' following argument.

[I]n Love, the view code for the drawing exists and is compared to other views in the database to determine the most similar view in another drawing.

However, none of these functions are related to Appellants' claimed invention, namely presenting a user with a list of the views, where the user places a view from the list onto a sheet to invoke automatic view creation. Nowhere does Love describe a similar function.

(Appeal Br. 5.) More specifically, the Examiner's references to ¶ 0002, ¶ 0007, and ¶ 0058 fail to show the user placing a view from a list onto a sheet through the use of a drag-and-drop operation to invoke automatic view creation. Furthermore, the Examiner does not allege, let alone show, that the addition of Bonney, Song, or Kawai cures the aforementioned deficiency of Love.

Based on the aforementioned facts and analysis, we *conclude* that the Examiner has erred in finding that Love presents a user with a list of views defined in a Sheet Set, and the user places a view from the list onto a Sheet to invoke an Automatic View Creation, as required by independent claims 1, 12, and 23.

DECISION

We reverse the rejections of claims 1, 12, and 23, and those of claims 2-11, 13-22, and 24-33 which depend therefrom.

REVERSED

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Application 10/800,585

Tkl

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